

REMARKS

In an Office Action dated December 14, 2004 (the "Office Action"), Claims 1-24, 28-37, 40-41, and 44-46 were rejected as being unpatentable over U.S. Patent No. 6,042,235 issued to Machtig et al. ("Machtig") in view of the article by Komatsu et al. ("Komatsu") and claims 25-27, 38-39, and 42-43 were rejected as being unpatentable over of Machtig in view of Komatsu and further in view of U.S. Patent No. 4,852,988 to Velez et al. ("Velez"). Applicants respectfully traverse the rejection for the following reasons.

Claim 1 recites a communication system that includes "a visual depth cue physically located on an opposite side of [a] two-way mirror relative to the observation zone, the visual depth cue being in the form of one or more physical objects visible through the two-way mirror from the observation zone." In rejecting claim 1, Examiner conceded that Machtig does not disclose the claimed physical depth cue ("Machtig does not specifically teach a visual depth cue physically located on an opposite side relative to the observation zone, the visual depth cue being in the form of one or more physical objects visible from the observation zone.") *See Office Action page 3.* Examiner asserted, however, that Komatsu overcomes this limitation, pointing to figure 2 and pages 905-908 of Komatsu. Applicants respectfully traverse.

A careful review of Komatsu demonstrates that Komatsu does not, in fact, teach a visual depth cue in the form of a physical object. Rather, and in stark contrast, Komatsu merely teaches that an image is projected onto a screen that is observable through the two-way mirror. As Rene Magritte so elegantly demonstrated in his masterpiece work, "Ceci n'est pas une pipe" circa 1929, an image of something is not the thing. A picture

of a pipe is not a pipe. An image of a chair is not a chair. And, a display of a physical object onto a screen is not the object. Komatsu merely teaches projecting an image of an object onto a display screen; it does not teach positioning an actual physical object to be visible through the two-way mirror from the observation zone, as required by claim 1. In fact, because Komatsu projects an image of the object onto a screen, there is no requirement that the object be positioned in any special arrangement relative the two-way mirror and observation zone. The object of Komatsu need not even be in the same room as the two-way mirror and observation zone – it could be in a separate room and its image projected onto the screen. As such, Komatsu cannot be interpreted as teaching a “visual depth cue physically located on an opposite side of the two-way mirror relative to the observation zone, the visual depth cue being in the form of one or more physical objects visible through the two-way mirror from the observation zone.”

Applicants respectfully submit that it is only with the benefit of Applicants’ own teaching and impermissible hindsight that one would be motivated to modify the teachings of Machtig and Komatsu in order to obtain the benefits of Applicants’ claimed invention. Claims 2-24 and 28, which depend from claim 1 are also patentable over the cited art by virtue of their respective dependency from claim 1 and for their further defining limitations.

Independent claim 29 recites “a three dimensional setting with a visual depth cue in the form of one or more physical objects viewable from the observation zone.” For analogous reasons as provided above with reference to claim 1, neither Machtig nor Komatsu teach or suggest this claim limitation. Therefore, claim 29 and claims 30-35 which depend therefrom are patentably distinct over the references.


Claims 36-37, 40-41, and 44-45 were rejected for "the same reasons set forth in claim 1." Because claim 1 has been shown to be patentably distinct over the cited references, Applicants believe claims 36-37, 40-41, and 44-45 are also patentably distinct. Applicant reserves the right to provide additional or different grounds for the patentability of these claims should Examiner opt to address these claims directly. Claim 46 was rejected for "the same reasons set forth in claims 34-35" and Applicants respond that these claims are patentable for the same reasons as given for claims 34-35.

Claims 25-27, 38-39, and 42-43 were rejected as being unpatentable over Machtig in view of Komatsu and further in view of Velez. As has been demonstrated above, the base claims from which each of these independent claims depends has been shown to be patentably distinct over the cited references. Examiner has identified nothing in Velez that overcomes the above discussed shortcomings in Machtig and Komatsu, either alone or in combination. As such, Applicants respectfully submit that claims 25-27, 38-39, and 42-43 are patentable over the cited references.

Reconsideration and withdrawal of the rejection of claims 1-46 and a prompt indication of the allowance of the claims is earnestly requested.

Respectfully submitted,

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